

# The Need for Unification and Harmonization in a Maritime Licensing Standard for Recreational Craft

J.L. Alonso-Enriquez, F. Piniella & J.I. Alcaide  
*University of Cádiz, Cádiz, Spain*

**ABSTRACT:** The objective of this document is to make clear the importance of simplifying the transit of pleasure boats and their skippers safely in the European territory with the foreseeable improvement of the functioning of the internal market. In many European countries recreational skippers are required to have specific training and experience in order to demonstrate their maritime competence. These licenses for navigation allow a recreational vessel to be skippered in each national territory. One of the main objectives of these qualifications is to reduce the number of accidents in recreational boating. Generally speaking, in the European Union, as regards the requirements for the management of pleasure craft, both private and professional, the requirements are very different depending on the member state.

## 1 INTRODUCTION

Although work is currently being done on the homogenization of qualifications and requirements for private and professional navigation between the different EU countries, it seems that there is no real will on the part of the different EU countries to adopt an agreement that ends with the numerous and different regulations required in each country (Castells, M. & Torralbo, J. 2012).

The volume of business of the nautical charter in the Mediterranean grows annually, but professional and private boats of flags with greater fiscal advantages and lower requirements in the matter of security are those that acquire greater relevance and professional qualifications that allow one to pilot vessels of other nationalities are the most demanded. In the European Union there is no uniform and recognized criterion for piloting boats. (ANEN, 2010) The requirements are very different depending on the member state. The European International Certificate

(ICC) is created with the aim of ensuring that the skippers of the vessels are competent to guarantee the safety of the navigation and protection of the environment when they change from one country to another. However, only 16 member states of the EU have adopted this resolution so far. Spain, Greece and Portugal, among others have not adopted this resolution (EBA, 2014). ICC refers only to the private use of boats but not to professional use, since September 2014, the TEC-SCV TRECNET project (Core Curriculum for Skippers of Small Commercial Vessels), financed by the European Union with the aim of analyzing and comparing the different qualifications for recreational craft professional standards required by the different EU member states and suggesting a common core curriculum for all of them, several EU member states are working together to establish the methodology and procedure of the Study Plans, Croatia, Slovenia, Spain, France, the United Kingdom and the Czech Republic are currently part of this project.

There is a clear need to adopt urgent measures to address this subjects in this regard with the aim of strengthening this sector, to given, as has been shown above, that the nautical industry has a stimulative effect on the European economy and that could produce greater added value in terms of effective production and economic impact (ANEN, MBYA, 2012).

With the publication in Spain of Royal Decree 875/2014, of 10 October, which establishes the necessary qualifications for recreational boating, professional yacht charters and nautical schools and the Professional Certificate of Professional Employer of pleasure boats (PPER) created in 2011 and modified in 2017, the administration intends to promote the tourism sector of recreational boating in Spain, thus favoring the professionalization of this sector.

### 1.1 Hypothesis and objective

The possible risks to navigation and the environment due to a lack of competence may become evident, although there is no comprehensive nautical certification in the European Union. The objective of this study is to evaluate the safety of recreational sailors, motivated by the lack of a regulatory framework in the European common space, in relation to safety requirements and nautical qualifications.

## 2 METHODOLOGY

The review of documentation and data collection has been more important in this study. From the literature review it is clear that the amount of reports on the nautical industry and recreation in general is not enough. At the same time, it was clear that the statistical data sources ANEN, EMSA or national and European public agencies provide very useful information, although there are also limitations, not only in their content but also in the different criteria for issuing reports that in many cases exclude recreational boating in their annual summaries or group it with other types of vessels, which makes a statistical analysis of these accidents difficult. The analysis of all these documents it has been possible to extract the obtained results.

## 3 RESULTS

In Europe, any type of recreational craft marketed in Europe must have the CE mark, which should imply that all these boats meet the same safety requirements. This is not so every country regulates mandatory safety equipment; periodic inspections of vessels and communications equipment for boats with their flag, there are notable differences between EU countries.

In the proposed context, the following figure shows the home page of a U.K company website that offers to register ships under the Belgian flag. The web page provides information about the various

advantages of not having to pass periodic reviews of the boat or the minimum safety equipment (see, [belgiumyachtregistration.com](http://belgiumyachtregistration.com)).

We can mention the differences between some of the requirements of the Belgian flag in relation to the Spanish flag, in the latter the vessels of more than 6 meters in length need periodic reviews by the administration, life rafts when to more than 12 miles offshore and radio beacons, requirements that are not mandatory under the Belgian flag.

The lack of harmonization of the requirements for safety and for the obtaining of nautical licenses for recreational boats of the community zone generates a flow of convenience flags to countries with criteria of security, taxation and regulations that are generally friendlier to security than this type of navigation) (Landaluce, A, 2014).

The countries belonging to the European framework require, with few exceptions to that the pilot have specific training and experience so as to be able to demonstrate their maritime competence. These licenses for navigation make it possible to pilot a pleasure craft in each national territory; one of the objectives of these licenses is to reduce the number of accidents in recreational boating. It is important to bear in mind that the requirements to obtain the licenses and personal training of each future pilot are different depending on the member state of the European Union.

The analysis of nautical certificates reveals a lack of uniformity in the European Union in relation to the requirements for obtaining the different permits. This diversity of training criteria should be standardized for all member states plus if possible when the number of boats registered in Europe is 9.5 million (Figure 1) (ECSIP, 2015).

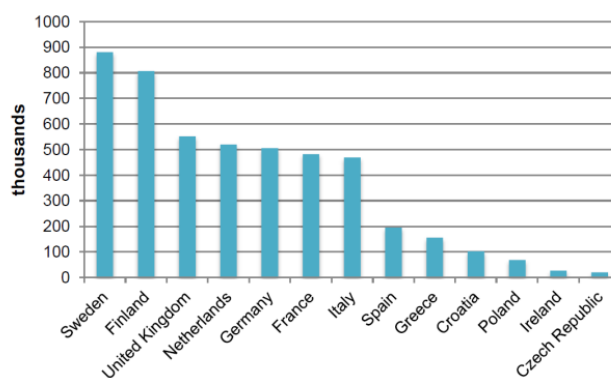


Figure 1. Numbers pleasure boats registered EU.

The European Maritime Safety Agency (EMSA) is an agency of the European Union accused of reducing the risk of maritime accidents, marine pollution of ships and loss of human lives at sea by helping to enforce the relevant legislation of the sea The EU. EMSA was established with the aim of guaranteeing a high and uniform level of maritime safety throughout the European area (Regulation 1406/2002 / EC, 2002). But surprisingly the safety of recreational craft does not fall within EMSA's mandate and they do not have publications or studies in this regard (Gianonatt M, 2017).

In the particular case of Spain Maritime Rescue statistics show that the total number of recreational vessels involved in maritime emergencies in their waters is very high. For example, emergencies related to boats at sea during 2017 were of a total of 4,747 emergency vessels, of which 2,470 belonged to recreational activities (Figure 2). Taking into account the data related to accidents in this type of vessels, we can observe that in the 200,000 recreational boats in the Spanish Registry, 1.23% (2470) had an emergency situation (Sasemar, 2018). The statistical data show that a large number of maritime accidents are related to recreational vessels. However, in most cases, there is no research on the causes of them.

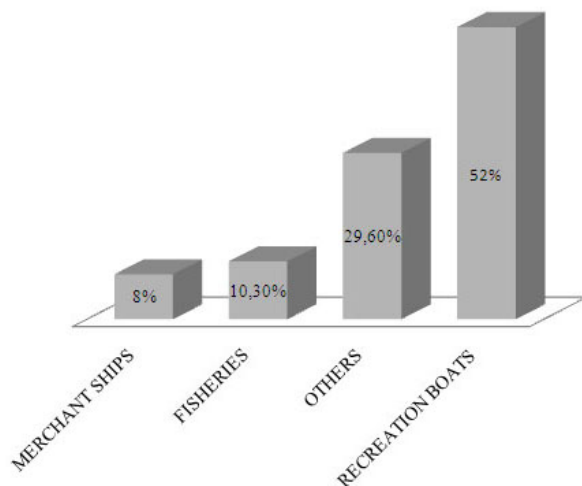


Figure 2. Assisted Vessel Spain 2017.

In Norway, only 45% of users of recreational boating have nautical qualifications, and only since 2015 the use of life vests is mandatory, also recently it is essential for those born after 1980 to train to have a nautical license (Amundsen & Bjørnskau, 2017).

There were The deceased in practicing boating in Norway in 2016 were thirty, while the deceased in Italy and Spain these were nine and sixteen respectively.

The vast majority of organizations and agencies responsible for the investigation of maritime accidents do not carry out an analysis focused exclusively on pleasure craft. This fact makes it even more difficult to determine the main causes of maritime accidents in recreational activities. To improve the safety aspects of recreational boats, the existence of studies and statistics on maritime accidents on pleasure craft would provide very important conclusions for its study (MIT, 2018).

The knowledge of these conventions implies specific training for pilots. This training must be guaranteed by obtaining licenses for navigation, but unfortunately this is not true in all EU countries, as we can see in the following examples from some European countries.

Sweden: No special qualification is required to skipper a recreational boat less than 12 meters in length and 4 meters in width. But each skipper of a recreational craft is subject to the provisions of the Swedish Maritime Code, which states that all vessels

must be safely manned and the skippers must have good skills and seamanship, otherwise they may be fined or even imprisoned.

The Netherlands: No special qualification is required for piloting a Dutch vessel on inland waterways to pilot a motor boat or sailboat less than 15 meters or at a speed is less than 20 km / h. However, the pilot is expected to know the rules of water ways.

Italy: No special qualification is required to pilot sailboats and motor boats if the navigation exceeds 6 miles of port or power greater than 30 kW (40.8 HP).

UK: No special qualification is required to steer a vessel in navigation around the coast or further out to the sea. To pass through one of the British states. However, many navigable waterways require a license or registration of the authority.

France: No special qualification is required to steer a vessel in France if the engine power is less than 6 HP (4.5 kW). For sailboats you do not need a license to navigate.

Ireland: No special compulsory qualification is required for pilot a boat in Ireland.

Germany: No license is required for sailboats and motor or electric boats with a power rating below 3.68 kW (5 HP).

Spain: No license is required for vessels of less than 11.6 Kw and 2 miles offshore (EBA, 2014).

### 3.1 European certified proposal

The origins of an International Certificate arose from the requirement to sail along the Rhine and the Danube, and the need to ensure that ship captains were competent to ensure the safety of navigation and the protection of the environment when they moved from one country to another. As a result, Resolution 14 was adopted in 1979 (Resolution No. 14, 1979) which recommended the introduction of a European document for an international Certificate (International Card).

Resolution 14 was soon outdated and needed an up-date that was made in 1998, when Resolution 40 was adapted; that repealed Resolution 14. It establishes minimum requirements of technical competence as well as regulatory knowledge that must be achieved and a minimum age for the issuance of an international Certificate.

For the issuance of an international certificate, the applicant must have a minimum age of 16 years, be physically and mentally fit to command master a pleasure craft, must have sufficient visual and auditory capacity, successfully pass an exam to demonstrate competence necessary to operate recreational boats and have sufficient knowledge of the rules on recreational vessels and nautical and technical knowledge necessary for safety.

Although its acceptance is guaranteed only in countries that adopted Resolution 40, in very general terms, the ICC is required for navigation on the inland waterways of Europe, for the continental and coastal waters of some Mediterranean countries. For

the coastal waters of northern Europe, the ICC is generally not mandatory, however, there are exceptions to all these generalizations.

This Resolution 40 is not mandatory for EU countries. Only 16 member states of the EU have adopted a resolution so far. Spain, Greece and Portugal, for example, have not adopted Resolution 40.

#### 4 CONCLUSIONS

There is no European statistics on accident rate in recreational boating, while the fleet of recreational boat is far superior to any other type of fleet, 9.5 million registered boats, added to those that do not need registration and the economic importance is growing. We can also affirm that there is no coordination or equivalence between EU countries in reference to access, requirements and licensing privileges to sail with pleasure boats. Therefore, in some countries there is no need for a license for recreational boats and in other countries they establish requirements to access these licenses by imposing limitations of length, power, distance from the coast or speed of the boat which make mandatory a navigation license.

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